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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/976,799 | 10/12/2001 | Robert J. Greenberg | S100-DIV1 | 4191 |
| 28284 | 7590 | 05/18/2004 | EXAMINER | |
| SECOND SIGHT, LLC 12744 SAN FERNANDO ROAD BUILDING #3 SYLMAR, CA 91342 | | | OROPEZA, FRANCES P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3762 | 8 |

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/976,799

Examiner

Frances P. Oropeza

Applicant(s)

GREENBERG ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/29/04.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A call was placed to the Applicant's Agent, Mr. Scott B. Dunbar, on 4/30/04 to check the status of this case. A message was left stating it appeared the case inadvertently had been abandoned and the 10/29/04 Notice of Non-Compliant Amendment was being faxed. The fax was sent 4/30/04 as noted in the attachment. The Applicant did not return the call refuting the status, hence this case is deemed abandoned.

Angela D. Sykes

ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

FRANCES P. OROPEZA
ART UNIT 3762 4/30/04

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

FACSIMILE COVER SHEET

Our Reference: 09/976799
Your Reference: S100-DIV1

Date: 4/30/04
To: Scott B. Dunbar (818) 833-5055
Firm: Second Sight, LLC
Telephone Facsimile Number: (818) 833-5080

Total pages including cover: 3

From: Frances P. Oropeza
U.S. Patent and Trademark Office
Telephone: 703-605-4355
Facsimile: 703-306-4520

Message:

Dear Mr. Dunbar,

Please find attached a copy of the Notice of Non-Compliant Amendment,
Paper No. 7.

Sincerely yours,
Fran Oropeza



Paper No. 4/30/04

PAPER NO. 8

FPO